

17505. Misbranding of linseed meal. U. S. v. 76 Bags, et al., of Linseed Meal. Portion of product condemned and forfeited and released under bond to be relabeled. Remainder released under bond for use as fertilizer. (F. & D. Nos. 24757 to 24761, incl. I. S. Nos. 015260 to 015264, incl. S. No. 3115.)

Samples of linseed meal from the herein-described interstate shipments having been found to contain less protein and fat than labeled, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Virginia.

On May 13, 1930, the United States attorney filed in the District Court of the United States for said district libels praying seizure and condemnation of 605 bags of linseed meal, remaining in the original unbroken packages at Norfolk, Va., alleging that the article had been shipped by the Consolidated By-Product Co., Philadelphia, Pa., in various consignments, on or about March 4, March 15, and March 24, 1930, respectively, and transported from the State of Pennsylvania into the State of Virginia, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Linseed Meal Guaranteed Analysis Protein 34% Min., Fat 6.2% Min. * * * Manufactured by Consolidated By-Product Co., * * * Philadelphia."

It was alleged in the libels that the article was misbranded in that the statement on the label, "Guaranteed Analysis Protein 34% Min., Fat 6.2% Min.," was false and misleading and deceived and misled the purchaser when applied to an article which contained a less amount of protein and fat.

On May 24, 1930, S. D. Scott & Co., Duncan & Emory (Inc.), the City Hay & Grain Co., and the Berkley Feed Corporation, all of Norfolk, Va., having appeared as claimants for respective portions of the property, and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the said portions of the product be released to the claimant upon payment of costs and the execution of bonds totaling \$1,100, conditioned in part that it be relabeled under the supervision of this department. On May 16, 1930, 162 bags of the product having been found by the United States marshal at the freight yard, consigned for shipment to the Consolidated By-Product Co., Philadelphia, Pa., to be used for fertilizer material, an order of the court was entered releasing the said portion upon the execution of a bond in the sum of \$250, conditioned in part that it should not be used for food or in violation of the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17506. Adulteration of tomato sauce. U. S. v. 568 Cases of Tomato Sauce. Decree of destruction entered. (F. & D. No. 24422. I. S. No. 029601. S. No. 2660.)

Samples of tomato sauce from the herein-described interstate shipment having been found to contain decomposed material, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of Ohio.

On January 8, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 921½ cases of tomato sauce at Cleveland, Ohio, alleging that the article had been shipped by F. Romeo Co. (Inc.), Dover, Del., on or about October 26, 1929, and had been transported from the State of Delaware into the State of Ohio, and charging adulteration in violation of the food and drugs act. Subsequently the libel was amended to cover the 568 cases of the product that were seized. The article was labeled in part: (Can) "Giulietta Brand Tomato Sauce Naples Style. * * * Salsa di Pomodoro Uso Napoli Guilietta Packing Co. Made in U. S. A."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 9, 1930, F. Romeo & Co. (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree in conformity with the prayer of the said libel, judgment was entered ordering that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned in part that its final disposition by salvage, export to a foreign country, or otherwise, be subject to the approval of this department. The claimant having failed to dispose of the product in manner as provided by the said decree, within the 60 days allowed therefor, final judgment was entered ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*